

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

01- *R*-1168

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE CLAIM  
OF LISA JOANN HORNE AGAINST THE CITY OF  
ATLANTA AND FOR OTHER PURPOSES**

**WHEREAS**, Lisa Joann Horne has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Craig Cooper, an employee of the Department of Police, and Ms. Horne's vehicle; and

**WHEREAS**, the collision occurred when the City employee made an improper left turn and collided with the claimant's vehicle; and

**WHEREAS**, the claimant has asserted damages in the amount of \$10,000.00, but has agreed to accept the sum of \$1,000.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of Lisa Joann Horne be settled for the sum of \$1,000.00.

**WHEREAS**, this claim was previously denied by City Council on September 18, 2000.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that resolution number 00-R-1405 be hereby rescinded and that \$1,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Lisa Joann Horne may have stemming from damages sustained as a result of a vehicular collision that occurred at Ponce de Leon Avenue and Clifton Street on or about March 31, 2000.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0239

Date: July 12, 2001

Claimant /Victim LISA JOANNE HORNE  
BY: (Atty)(Ins. Co.) \_\_\_\_\_  
Address: 2837 Knollberry Lane, Decatur, Georgia 30034  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ 10,000.00  
Date of Notice: 04/17/00 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 03/31/00 Place: Ponce de Leon Avenue and Clifton Street  
Department Police Division: \_\_\_\_\_  
Employee involved Craig Cooper Disciplinary Action: One Day Suspension

NATURE OF CLAIM: The driver of the City vehicle made an improper left turn and collided with the claimant's vehicle causing her to be injured in the above amount.

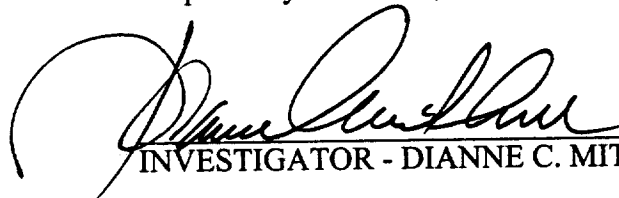
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver X Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

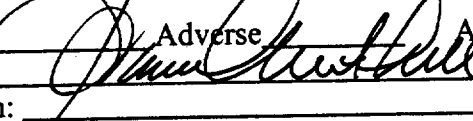
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 07-12-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

Law Office of  
**SHERYL L. BURKE**  
Tower Place  
3340 Peachtree Road, N.E., Suite 1800  
Atlanta, Georgia 30326

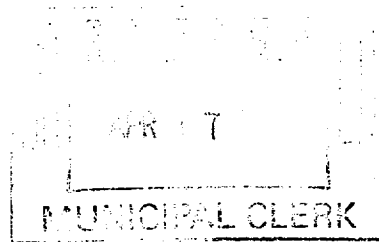
Telephone (404) 814-5257

Facsimile (404) 814-5241

*Mitchell*  
*04/21/00*  
*DM*

April 13, 2000

City of Atlanta  
Municipal Clerk  
Attn: Sherry Butler  
55 Trinity Avenue S.W.  
Atlanta, GA 30335-0332



ENTERED - 04/26/00 - tew  
00L0239 - DIANNE C. MITCHELL

04-17-00 P05:35 IN

RE:            Date of Loss:            3/31/00  
                 Our Client(s):        Lisa Horne  
                 Your Insured:        Craig Cooper

Dear Ms. Butler:

Please be advised that this office has been retained to represent the legal rights and interest of the above-referenced individual(s) relative to the injuries and damages sustained in an automobile collision on the above date. **Please direct all further correspondence to this office.**

Pursuant to **O.C.G.A. 33-3-38**, we request that you provide our office with the names of each insurance carrier and policy limits for any company which may be liable for our client's injuries including primary, secondary, excess, and umbrella policies. Also, we request that you disclose to us as attorneys for the claimant(s), the name of each known insured who may be liable to the claimant(s) for this claim.

Sincerely,

*Sheryl L. Burke/wep*

Sheryl L. Burke  
Attorney At Law

SLB:lr

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0239

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100  
DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to Craig Cooper, from any and all  
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or  
on account of anything that has heretofore occurred, and particularly for or on account of vehicular accident

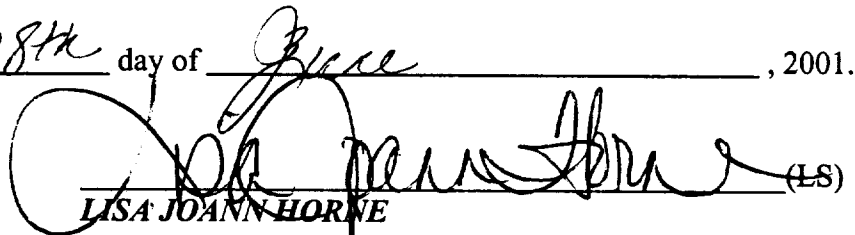
which occurred on or about the 31<sup>st</sup> day of March, 2000,

at or near Ponce de Leon Avenue and Clifton Street, NE ✓

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

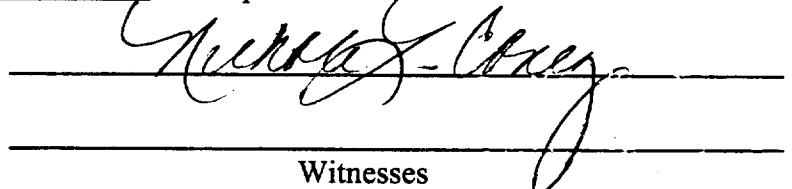
And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 28<sup>th</sup> day of June, 2001.

 (LS)  
LISA JOANN HORNE

The above release was read and explained to, and signed by the said \_\_\_\_\_

\_\_\_\_\_ in our presence on the date above written.

  
\_\_\_\_\_  
Witnesses

Nichole L. Coney  
Notary Public, Dekalb County, Georgia  
My Commission Expires July 11, 2004